70th District #2 Integrating Committee Meeting Minutes December 11, 1998 – 8:00 a.m. Board of County Commissioners' Conference Room Cincinnati, OH 45202 (AMENDED)

The meeting was called to order by Chairman Brayshaw at 8:14 a.m. Board Members Present: Mr. Joseph Charlton, Mr. Pete Heile, Mr. Dick Huddleston, Mr. Richard Mendes, Mr. Bill Seitz and Mr. Joe Sykes. The following were excused: Mr. Dan Brooks and Mr. Dave Savage.

Support Staff Present: County - Mr. Eric Beck and Mr. Doug Riddiough; City of Cincinnati - Mr. Dick Cline and Mr. Keith Pettit; Delhi Township - Mr. Bob Bass; City of North College Hill - Mr. John Knuf; and Green Township - Mr. Fred Schlimm.

The first item on the agenda was to approve the District #2 Meeting Minutes, dated October 16, 1998. Mr. Heile moved approval; seconded by Mr. Sykes, and passed unanimously.

Chairman Brayshaw reported the second item of the agenda with regards to the medical condition of Joe Cottrill, District Liaison Officer. Joe is currently at home recuperating and is doing better. He is still uncertain when he will be able to return to work, but feels confident of returning after the first of the year. He has been corresponding with Mr. Cline and the Engineer's Office through e-mail. During this meeting, Mr. Cline will be presenting the support staff items in the absence of Mr. Cottrill, District Liaison Officer.

The third item was presented by Mr. Cline, pertaining to correspondence submitted to the Committee regarding the Round 13 Project selection process. The first handout was a letter from the Loveland Area Chamber of Commerce, supporting the concept of splitting the funding on a number of the projects, which would permit the Loveland Madeira Road project to be funded out of Round 13 and Round 14. The next handout was a letter from the Hamilton County Townships Road Superintendents Association, indicating its dissatisfaction with the process of split funding and its effect on the number of projects funded by the District since the inception of this methodology.

Chairman Brayshaw presented a letter submitted from the Village of Lockland regarding their application in the amount of \$2.2 million dollars for improvements on their water treatment plant. The project ranked high enough to receive loan funding in Round 13, with the interest rate established at 3% (tied by Committee policy to the jurisdiction's Economic Health rating). Lockland's Mayor and Village Administrator addressed the Committee to make their case for a waiver of the Committee policy to permit them to receive a 0% loan rate. Their argument hinged primarily on the fact that Lockland has suffered an economic downturn since the District last revised its Economic Health ratings and that the current rating does not accurately reflect their present economic problems. After extensive discussion with the Village officials by the Committee, Mr. Seitz, seeking to reach a compromise, made a motion that the loan rate for the Lockland water treatment project be set at 2% annually; the motion was seconded by Mr. Huddleston and passed unanimously.

Chairman Brayshaw then presented Item 5A on the agenda, which was an IMPORTANT LEGAL NOTICE from OPWC regarding a recent decree from the U.S. District Court and its effect on OPWC-funded projects. In order to move towards the more pressing items on the Agenda, Mr. Huddleston suggested that this item be deferred until the next meeting for discussion. With the consensus of the Committee, the Chairman so ordered. Mr. Cline pointed out to the Committee that Mr. Mendes was going to ask the Committee to consider a policy statement related to this Legal Notice, whereby a jurisdiction that was forced by the Court's decree to rebid an OPWC-funded project might have to face a Termination Notice from OPWC because of delays created by the rebidding process. Normally, the receipt of a Termination Notice by a jurisdiction results in a point penalty being imposed by the District Rating Criteria under "Ability to Proceed" for the next one or two years. Mr. Mendes' policy statement would permit the Committee to waive the point penalty at its discretion, should this scenario occur. Mr. Seitz acknowledged that this situation *might* occur, though it would seem unlikely that the Support Staff or the Integrating Committee would choose to actually impose such a penalty if the jurisdiction had a bona fide problem meeting a bid deadline because of delays resulting from the Court decree. Mr. Charlton, with the Committee's concurrence, asked the Support Staff to draft a carefully worded and specific

policy statement regarding this scenario for the Committee's review and approval at the next meeting.

Chairman Brayshaw proceeded with Item 5B from the agenda with regards to the Administrative Costs Program for 1999. Mr. Cline gave an overview of the Administrative Costs Work Plan. Handouts were provided with a request to the Board to allocate \$40,000.00 towards Administrative Costs for the District. A motion was made by Mr. Seitz to approve said Administrative Costs; seconded by Mr. Heile, and passed unanimously.

Mr. Cline presented Item 5C, a handout describing the District balances for SCIP, LTIP, and the RLP. As in years past, the Support Staff prepared its funding recommendations to encumber 115% of the District balance in each category. This will establish an order of priority for projects not yet committed for funding but close enough to the cutline so that approval would be likely later in the funding round. After subtracting the Round 13 Administrative Costs allocation and the carryover commitment from three Round 12 projects, the District may utilize \$8,265,139 for loan and grant funding. The RLP balance is insufficient for allocation to cover any Round 13 loan requests; the Support Staff consequently recommends against funding any loan projects from the RLP this year.

Mr. Cline presented Item 5D, final Round 13 Project Listing spreadsheet from the Support Staff. All submitted projects this Round 13 were rated and ranked on this spreadsheet. (The only exception was a project submitted by the City of Sharonville for a bicycle lane on Cornell Road. This project was judged ineligible by both the OPWC and Support Staff, and was not rated. It is listed at the bottom of the spreadsheet for information purposes only). The cut line given the funding that was available falls between projects (8) and (9) on the spreadsheet. This order reflects the rating by the Support Staff and consideration of any appeals that have been filed.

Mr. Cline presented Item 5E, which lists the Support Staff's recommendations for optimum utilization of the available funding in Round 13. Projects that would receive funding include the following:

- City of Cincinnati Paddock Road Interchange Project SCIP grant of \$2,000,000.
- City of Cincinnati Widening of Hopple Street (Meeker to I-75) SCIP grant of \$830,000.
- Hamilton County Engineer Blue Rock Road Bridge Project SCIP grant of \$600,000.
- City of Lockland Water Treatment Plant Loan amount of \$2,118,400.
- City of Cincinnati Mehring Way Improvement LTIP grant of \$1,475,00.

The first three projects above are ODOT projects, with SCIP providing the required local match. Lockland's Water Treatment Plant is to be loan funded, requiring no local match. The Mehring Way project will receive its local match from City of Cincinnati funds.

At this point, Chairman Brayshaw presented Item 5F regarding the "Alternate Funding Proposal". He explained that the philosophy of the SCIP and LTIP programs from their inception was to get as much construction under way in the current year as possible. The Committee endeavored to address the objective of allocating funding in the same program year when it would be spent by phasing large projects (those over \$2 million), which generally have to be built over two construction seasons. To achieve this objective at the June 9, 1995, Meeting, the Committee adopted the following motion presented by Mayor David Savage:

Resolved, that at the discretion of the Integrating committee, project funding for approved projects costing more than \$2 million dollars per jurisdiction may be phased over two years.

There were concerns about how to identify "projects costing more than \$2 million". Specifically, a question arose about the \$2 million referring to the "total project construction cost" or the amount being requested from OPWC. How this motion was interpreted would seem to have a bearing on the number of projects that could be phased over two years.

Mr. Brayshaw continued, indicating that four highly rated Round 13 projects are well over \$2 million dollars in construction costs. These four projects, and the amount of funding that would be allocated in Round.13 under a phasing scenario, are as follows:

- City of Cincinnati Paddock Road Phasing would reduce Round 13 contribution from \$2,000,000 to \$1,000,000.
- City of Cincinnati Hopple Street Phasing would reduce Round 13 contribution from \$830,000 to \$415,000.
- Hamilton County Blue Rock Road Bridge Phasing would reduce Round 13 contribution from \$600,000 to \$300,000.
- Hamilton County Loveland Madeira Road Phasing would reduce Round 13 contribution from \$1,600,000 to \$800,000.

Phasing in this manner would allow four additional projects to be funded. One of those four projects, Loveland Madeira Road has strong local support from Symmes Township and the Loveland area, and benefited from extraordinary local contributing commitments to obtain the local match of 50%. The project also includes replacement of a heavily used bridge that recently was posted for a 5-ton weight reduction. The road needs to be widened to eliminate a traffic bottleneck between I-275 and the Loveland area.

The other three projects that would receive Round 13 funding under the phasing scenario include:

- City of Cincinnati Lafayette Avenue
- North College Hill Ellen Avenue/Marilyn Lane
- Deer Park Blue Ash Road

Further, if additional funds are returned within the next few months from closed-out projects, more projects may be funded in Round 13, including street improvements in Norwood and Colerain Township. In addition, more funding may be returned from the County's Delhi Pike project, where the bids came in under estimate. When Mr. Bass pointed out that this funding would not be available until after the project is completed, Mr. Brayshaw indicated that he might ask the OPWC to amend his Delhi Pike project agreement as soon as the bids are finalized to free up this funding NOW, so as to permit it to be allocated to even more Round 13 projects.

Discussion continued on this topic. Mr. Mendes expressed his support of the concept, as long as the Committee adheres to the ranked order of the projects. He also pointed out that the amount of funding obligation that would be carried over to Round 14 under the Brayshaw plan would be substantially less than the amount carried over from Round 12 into Round 13.

In the course of discussing the source of matching funds from ODOT and FHWA, questions were raised by the Committee as to the appropriateness of the bridge load limit "ban points" awarded to the Loveland Madeira Road project. The weight limit, which was lowered just prior to the submittal of the SCIP funding application, had been reduced from 40 tons to 35 tons. Mr. Seitz questioned whether the reduction was significant, and whether it was enforceable. Mr. Steve Mary of the County Engineer's Office explained how load limits on County bridges are imposed and that responsibility for their enforcement falls under the jurisdiction of the County Sheriff. Messers Seitz and Mary participated in a lengthy technical discussion centered around weight limits, enforcement procedures, and how the "ban points" are awarded when a jurisdiction imposes weight limits.

Discussion returned to the topic of whether project funding should be phased over two funding rounds, and expanded into matters involving expansion project funding versus repair/replacement project funding.

Questions were raised about the intent of the sections of the Ohio Revised Code governing both the SCIP and LTIP programs, and whether significant priority should be given to repair/replacement projects. Mr. Seitz said that he supported a change in the rating system *next year* to evaluate expansion projects differently from repair/replacement. And for this year, he supports applying the June 1995, "\$2 million" motion to guide us in selecting which projects should be phased. He recommended that we implement that guideline by phasing only the City's Paddock Road project, so as to minimize the amount of funding we "mortgage" into next year. Mr. Brayshaw countered, recommending that the Committee adopt his alternative-funding plan. He also indicated that his offer to reduce the Delhi Pike Project Agreement encumbrance by around \$1 million (so as to reflect the actual low bid accepted for the project) would free up enough additional funding to pick up several other projects.

More discussion continued on various phasing scenarios. The Support Staff reminded the Committee that the Lockland Water Treatment Plant could not be phased since it was to be constructed over a single construction season. It was also explained that other Districts utilize separate rating criteria for SCIP and LTIP projects in an effort to better compare repair/replacement projects with expansion projects. Mr. Seitz stated that it might be time for District 2 to consider the two different statutory criteria in Sections 164.04 and 164.14 of the Ohio Revised Code (covering SCIP and LTIP, respectively) to develop two separate rating systems.

Mr. Charlton expressed his support for a vote on the question now, deferring any changes until next year. Mr. Brayshaw agreed, but indicated that he was not comfortable making the motion since the funding alternative was his suggestion. Consequently, Mr. Mendes moved to accept Mr. Brayshaw's "alternative funding proposal"; Mr. Huddleston seconded the motion. Final support for the motion came in comments from Mr. Charlton and Mr. Heile, after which Mr. Brayshaw called the question.

Mr. Seitz – Nay

Mr. Sykes - Nay

Mr. Huddleston - Aye

Mr. Heile – Aye

Mr. Charlton - Aye

Mr. Mendez – Aye

Mr. Brayshaw – Aye

The motion, needing seven votes in the affirmative, did not pass.

When Mr. Huddleston asked how delaying the approval vote would impact the Round 13 allocation, Mr. Cline indicated he did not believe that there would be any serious problems created. The District is not permitted to submit its package of approved projects to OPWC before January 1, 1999, and cannot receive its Project Agreements until July 1, 1999. Mr. Cline asked Cathy Coldiron if a delay of a few weeks would create any significant problems. She stated that we actually have until the last working Friday in March to finalize the Committee vote and submit the approved Round 13 applications to OPWC.

That settled, discussion returned once more to the questions of repair/replacement versus expansion projects. Mr. Wagner, former Chairman of OPWC, suggested that we look at the intent of the enabling legislation. He also mentioned that the District might want to look at the amount of money spent each year on each project that has expansion in it. This business of phasing may have merit if it meets the objective of spending the money in the same year that it is encumbered by the Project Agreement.

Mr. Huddleston asked Mr. Seitz for a recommendation on how the Committee should proceed with resolving this matter. Mr. Seitz placed on the floor, in the form of a motion, four assignments for the Support Staff to complete that should assist the Committee in resolving the current impasse:

- 1.) Have the Support Staff to report with respect to the projects to be funded under the (County) Engineer's "alternate proposal". On the percentage of those projects that are repair/replacement versus expansion or other. First Motion.
- 2.) The second component is that they also report to us, based on discussions with the applicable jurisdiction, as to the timing of the spending on the project. In terms of when are they going to spend the money for repair/replacement purposes? And when are they going to spend the money for the other part, as Mr. Wagner indicated?
- 3.) The third part is for the Staff to furnish a report, itemizing the statutory criteria for SCIP versus LTIP. And give their statement as to, "Are these the same criteria or different criteria?" "If so, how?"
- 4.) Fourth, have the Staff to apply those recommendations to develop a separate rating system for SCIP and LTIP for consideration. Each being based on the same maximum total point scale that we now utilize. In other words, we're not asking you to reinvent the wheel totally, we're simply saying take our current proposal, our current rating system, which has a maximum number of points of (80)? Whatever the maximum number is. Then develop a rating system separately for SCIP and LTIP, for our consideration. Applying that, report on the statutory criteria to be applied on the next round, not this round. We can't go back and redo. One thing we could do is vote to approve the current priority listing as stated on the sheet. Fix the priority listing, not the cut line. The cut line remains to be determined.

Mr. Seitz said that points (1) and (2) of these motions should be done by the next meeting, but that points (3) and (4) could wait for now, and should be considered when developing the rating system(s) for funding Round 14.

Mr. Huddleston seconded the motion for the purposes of discussion. Questions were raised as to how a jurisdiction would be able to identify which costs of a project were repair/replacement and which were expansions. Mr. Cline indicated that jurisdictions submitting expansion projects would have to identify those costs before submitting funding application, so it probably won't be too difficult for the City Engineer's Office and the County Engineer's Office to determine those numbers quickly. Similarly, the City and County should be able to identify when funds would be expended, in order to satisfy the request being made in the second portion of Mr. Seitz's motion. The last two portions of Mr. Seitz's motion will not be examined before the next meeting, but can be incorporated into the Support Staff's work in developing revisions to the rating system during the first quarter of 1999. Mr. Seitz expressed his agreement with that timetable.

Chairman Brayshaw asked if it was clear on the first two resolutions that we want to vote on. Mr. Cline recapped the motion, to make sure that the Committee and the Support Staff were in agreement as to what needed to be examined and when. Mr. Cline then asked Mr. Seitz if it was his intent that the Support Staff make a judgement as to whether a project is repair/replacement or expansion, then rate the project under the SCIP or LTIP criteria as appropriate, or should they be rated under BOTH systems, using the higher rating to establish its final position on the list? Mr. Seitz replied that a jurisdiction could apply for either or both, with its final rating position set by the higher point value received under the two rating criteria. But each project could only receive funding out of one program.

Mr. Heile said he would like a recommendation from the Support Staff as to whether we should ultimately implement a two-system rating. I don't know if this is a good idea or bad idea with respect to their reading on the statue according to OPWC methodology. Mr. Seitz said that he would agree and add this as his 5th point to his motion. There are jurisdictions that have two separate systems for SCIP & LTIP. Mr. Huddleston stated that maybe the constitution has already been written. Mr. Wagner stated they have similar criteria, but the

weighting and ranking points would be different. Cathy Coldiron said that she would provide a copy of the OPWC methodology to the Support Staff. It was requested to send this to Mr. Cline in the absence of Mr. Cottrill.

Mr. Seitz made the motion to adopt all five points for the support staff; the motion was seconded by Mr. Huddleston and passed unanimously.

Chairman Brayshaw noted a minor change to the printout for the program, being 1999 instead of 1998 program year. Mr. Seitz said with that amendment, he moved the adoption of the priority listing as reflected on the attachments submitted with this meeting agenda; the motion was seconded by Mr. Charlton and passed unanimously.

Mr. Cline called attention to a final item by the Support Staff. There was a question about whether Mehring Way qualified in the program, since it was at one end a new facility. The other argument being, that it was replacing what was already there. Mr. Cline asked the Chairman to recognize Mr. Doug Riddiough from the Support Staff.

Mr. Seitz moved a motion to let Mr. Riddiough speak; Mr. Huddleston seconded the motion.

Mr. Riddiough expressed his feelings concerning the Mehring Way project, saying that it was an absolute travesty. He voted (13) or (14) years ago for this Issue 2 when it first came out. The grounds and the way it was presented to the public was what he voted for. This was to provide funding for the political jurisdictions/political subdivisions to get a source of funds to repair deteriorated infrastructure. That was the purpose, even when it was expanded it was the same purpose. The Mehring Way project does not fall into that category. It is a portion of infrastructure that functioned well, the only problem with Mehring is that it is in the way of something else, the new football stadium. They are applying for funding now they will get it on the premise that it had deteriorated infrastructure. Once we have done that and put that \$1.475 million dollars out of the available funds, we have shut off a lot of smaller communities that have deteriorated infrastructure that cannot be replaced. He stated that he had a real problem with that project, but also understands why the City and County want it. It may be good for the economic development. Never the less, it's not what this whole program was intended to do.

Mr. Seitz asked how it received (25) condition points? Mr. Schlimm stated what portion of the road is there has been saw cut and destroyed by large equipment and such. When you go and look at it, you look at it as what portion of this might be salvageable. Mr. Seitz stated that he was hearing two different things. One thing is the road isn't there. Mr. Schlimm said a portion of the road isn't there, and a portion is there. Mr. Seitz asked if they received their (25) points because they took the road away, or did they get their (25) points by saying, "Here is all that is left, and it's saw cut, rutted and dug up?" Mr. Schlimm stated all that you can rate is what is there. We determined that what may be a tenth of the portion applied for, was actually physically present. We rated the condition of the road portion that was functioning as roadway and the part that doesn't have a stadium.

Mr. Seitz stated the request for funding is for the entirety of the road, including replacing the part that's not going to be there anymore and relocating part of the road. To that extent it's a replacement project. Mr. Cline stated that according to OPWC, it doesn't have to be rebuilt in the same alignment, as long as the substitute is for the road. Mr. Bass noted that the Support Staff recognized the potential for the Mehring Way rating becoming confrontational. Consequently, the Support Staff has one member of each rating team go out and rate this project. A team of five went out and did the best they could, with what they had to work with. The determination was made, and the only thing that could legitimately be rated was what was available to rate.

Mr. Seitz asked Mr. Riddiough if the rating system that we instructed you to follow was properly applied in this case? Mr. Riddiough said the best way to answer it was that we are caught up in our own rules. Mr. Seitz said what we wrote, is what you followed, and that's how it pointed out. What are you going to do, it gets back to

why the (5) point motion that we made earlier needs to be taken very seriously. Who would think they would iack the road up and take it away and saw cut it and raise it just to get \$1.5 million dollars.

Chairman Brayshaw tried to set the next meeting for January 22, 1999 tentatively. (It was later decided to meet on Friday, February 5, 1999 at 8:00 a.m.)

Ted Hubbard, Chief Deputy of the Hamilton County Engineer's Office made a brief statement for the "record". He proceeded by saying that sound engineering judgement was used in the evaluation of Loveland Madeira Road. The load limiting of a bridge is extremely important and the County Engineer's Office is expected to inform the public of infrastructure problems. Safety is our bottom line and our Consultants report indicated the subject bridge was deteriorating rapidly. Last year we considered a local limit, but we did not proceed. This year we did consider it again, and did load limit the subject bridge. We believe it is imperative to advise the commercial users of the bridge condition. Loveland Road is the umbilical cord from Symmes Township and Loveland to the interstate system. We think the commercial drivers need to know that facility is, unsafe at 40 tons. Therefore, we have to inform the public of that fact.

Mr. Seitz stated that all he was suggesting here was that it is very difficult to enforce the 35-ton. And if it was indeed so deteriorated, and if we wanted to stress safety, we would have put a load limit that would have excluded so they won't have this problem next year. Partially loaded trucks can go and fully loaded can't, Mr. Hubbard stated that next year the load limit will probably be lowered and will continue to drop as time goes on.

Chairman Brayshaw acknowledged to Loveland, Symmes Township and the business representative that hopefully there will be a vote next meeting and will be able to approve the project. Larry Brueshaber from the Loveland area, stated they would like the committee to know they appreciate the consideration that has been given. Also, this is real local money, and businesses coming together. Two municipalities. Symmes and Loveland working together, which is a great effort on their part. They have dug into their coffers mutually to help get to this 50% match, along with the businesses in the right-of-way. They worked hard on this and it's been on the list before and it's time for this to get consideration. Paulette Leeper stated one thing that wasn't put into the letter to the Committee was that Loveland's school district just passed a bond issue to build a new middle school, because of serious overcrowding in the schools. Those children have parents who drive cars on Loveland Madeira Road. In the November 29th issue of the Cincinnati Enquirer, it was noted that Loveland was rated the top school district in the tri-state for growth. This problem will only get worse, because of the continued growth of the area.

Mr. Seitz stated that it was a shame that Mr. Charlton left, because they could have entertained one more motion in today's meeting. I think we would all be agreeable of splitting Paddock and if we had voted to split Paddock that would have included Loveland. But that was not a motion that was made. The motion that was made was to split all of the other projects. With those two agreeing to split Paddock, you had your (7) votes. Nobody made that motion. They chose instead to go for the full Board.

Mr. Huddleston stated that he would like to compliment the Support Staff on a job well done, especially in Mr. Cottrill's absence.

Mr. Seitz moved the meeting be adjourned and Mr. Huddleston seconded the motion. The time was 10:03 a.m.

Respectfully submitted,

Recording Secretary

-> Cathy CC: TBA, TBGx Je

Dru EC

HAMILTOM COUNTY TOWNSHIPS ROAD SUPERINTENDENTS ASSOCIATION

November 19,1998

Mr. William Brayshaw, PE, PS Hamilton County Engineer OPWC District 2 Integrating Committee 700 County Administration Building 138 East Court Street Cincinnati, Ohio 45202

Dear Mr. Brayshaw,

At the November 4, 1998 meeting of the Hamilton County Townships Road Superintendents Association, I was directed to inform you of the Associations continued concerns of splitting project funding over successive rounds. The number of funded projects has continued to shrink since this methodology was employed. The splitting of funds is detrimental not only to Townships but also small cities and villages which don't have the ability to achieve funding from other sources such as state and federal programs.

Thank you for your consideration of this request.

Rob Molloy

Sinderely.

Secretary, HCTRSA

December 1, 1998

District 2 Integrating Committee Mr. William Brayshaw, P.E.-P.S. 700 County Administration Building 138 East Court Street Cincinnati, Ohio 45202

Dear Committee Members:

Of all the things of importance to the long term benefit of our region, the widening of Loveland Madeira Road is a major priority. The undersigned represent a committee of local officials, formed by the Loveland Area Chamber of Commerce, to study the funding options for the Loveland Madeira Road Improvement project. Our committee of representatives from Symmes Township, the City of Loveland, the Hamilton County Engineers and the Chamber worked together on establishing an accurate estimate of the project's scope and cost. We worked on securing the necessary right of way dedications and on achieving the magical 50% match suggested by the County Engineer. We are writing this letter to urge you to consider financing the Loveland Madeira Road project over a two year period, as there are many benefits to this approach.

P.O. Box 111 • Loveland, Ohio 45140 • (513) 683-1544 • FAX (513) 683-5449

Loveland Madeira Road is but one of the projects on the preliminary rating sheet which require two construction seasons for completion. Splitting these projects into two funding years would provide resources for four more projects on the preliminary rating sheet; that's four more communities on their way to improved roads. Moving the project cut off to # 12 on the list, instead of # 8, may eventually mean that the relatively small size of project # 13 would also get funded. We urge you to move to the two year option to spread the money around to more communities, which in turn will positively affect the everyday lives of more people.

This two year funding approach would also accomplish the goal of the General Assembly: to provide jobs and get projects underway. This is not the first time Loveland Madeira Road has been on the preliminary rating list, and this is not the first time other projects have been funded over two years (the first three projects on the list are carried over from last year). We are not asking this committee to do something unprecedented. All we are asking is that the committee utilize the same two year approach that has been successfully used in the past so we can get this project off the ground. The carry over from this year would even be less than it was for last year's projects funded over two years. We urge you to consider splitting the project into two funding years to fulfill the program's goals by getting this long awaited project underway.

Splitting the project into two funding years would also reinforce the idea that neighboring governments should work together on issues of regional importance. Working into the night the day before the application deadline, Symmes Township and the City of Loveland agreed to split the remaining sum after totaling the contributions from the Hamilton County Engineers and the business community.

These two governing bodies looked beyond financial constraints, and an historically strained relationship to do the right thing for the long-term benefit of the region as a whole. Additionally, the 50% match our committee worked so hard to secure is unlike any other project above the cutoff in the preliminary ratings, simply because it does not include any federal funding dollars. It is comprised primarily of local dollars, local footwork, and a lot of local hunger to get the project underway.

Funding this project would not only get the project underway, provide jobs, and increase participation in the program, it would also reward the local dollar composition of our 50% match, as well as the gains the City of Loveland and Symmes Township have made in improving their working relationship. Please consider these factors in anticipation of the December 11th meeting. We look forward to seeing you there.

Sincerely,

Paulette Leeper

Loveland City Council

Larry Brueshaber

Century Volkswagen

Mike Gentry

Symmes Township Board of Trustees

Terry Schildmeyer

Loveland Area Chamber of Commerce



VILLAGE OF LOCKLAND

101 North Cooper Avenue Lockland, Ohio 45215

Mayor Jim Brown

December 9, 1998

Village Administrator
Evonne Kovach

Mr. William Braysbaw Hamilton County Engineer 700 County Administration Bldg. 138 East Court Street Cincinnati, Ohio 45202

Dear Mr. Brayshaw,

I would like to request the opportunity to address the District 2 Integrating Committee concerning the need for a 0% loan for improvements to our water supply and treatment facilities. It is my understanding that this meeting will be held on Friday, December 11th, in the County Commissioner's conference room.

I will plan to be there unless I hear from you otherwise. Thank you for your assistance!

Sincerely,

Evonne Kovach

Village Administrator

THE OHIO PUBLIC WORKS COMMISSION 65 East State Street, Suite 312, Columbus, Ohio 43215

COMMISSIONERS

Chairman – John W. Kessler Vice Chairman – Deanna Hill Roger R. Geiger William N. Morgan Peggy D. Reis Thomas E. Steva Daniel E. Whitmire DIRECTOR
W. Laurence Bicking

November 17, 1998

X X

TO DISTRICT COMMITTEE MEMBERS & LIAISONS

X X

IMPORTANT LEGAL NOTICE

Dear

The United States District Court, Southern District of Ohio, Eastern Division, in Case Number C-2-98-943, has decreed that the State's minority business enterprise program is unconstitutional.

The Court refused to stay its decision pending appeal, therefore all provisions of Ohio Revised Code Section 123.151 and all rules, regulations and practices promulgated thereunder are unenforceable.

An "Advisory" is enclosed providing guidance for district committees to comply with the court's order in selecting projects to be recommenced to the Commission for Program Year 13.

The other enclosed "Advisory" outlines the actions local subdivisions must take to comply with the court's decision.

Additionally, the Commission's Request to Proceed procedures and forms have been revised to reflect the court's decision. The revised procedure and form must be used for all submissions to the Commission. Prior versions will not be accepted.

Thank you for your cooperation.

Sincerely;

W. Laurence Bicking Director

Post-it* Fax Note	7671	Date # of pages 4
TO NAVAL STEN	man	From Huy (old iron
Co./Dept.		Fiday
Phone W	Say	Phone # 14-752-8114
Fax#513-446-	. 4288	Fax #

OHIO PUBLIC WORKS COMMISSION

ADVISORY

PROGRAM YEAR 13 - MBE REQUIREMENT REMOVED: The United States District Court, Southern District of Ohio, Eastern Division, in Case Number C-2-98-943, has decreed that the State's minority business enterprise program for construction contracting is unconstitutional.

The Court refused to stay its decision pending appeal, therefore all provisions of Ohio Revised Code Section 123.151 and all rules, regulations and practices promulgated thereunder are un-enforceable.

District committees must remove any consideration of State Minority Business Enterprise Program requirements from their project selection methodology and, where already applied, withdraw points from projects for MBE participation prior to making their PY-13 recommendations to the Commission.

District committees, and their subcommittees, who have already evaluated project applications submitted to them may wish to review their actions to assure that their priorities are met.

All reference to proposed minority business enterprise activity contained in applications submitted to the district is to be disregarded.

A district Affirmative Plan of Action is no longer required.

Released:

November 16, 1998 Immediate Attention

Status:
Distribution:

District Chairs, Liaisons

Path Mynory PY 4# MRE UNIDUE

OHIO PUBLIC WORKS COMMISSION

ADVISORY

MINORITY BUSINESS ENTERPRISE PROGRAM UNENFORCEABLE: The United States District Court, Southern District of Ohio, Eastern Division, in Case Number C-2-98-943, has decreed that the State's minority business enterprise program for construction contracting is unconstitutional.

The Court refused to stay its decision pending appeal, therefore all provisions of Ohio Revised Code Section 123.151 and all rules, regulations and practices promulgated thereunder are un-enforceable.

This includes all aspects of the State's MBE requirements imposed on State Capital Improvements Program and Local Transportation Improvements Program projects.

All references to State minority business enterprise requirements must be removed from pending bid advertisements as well as un-executed contracts for construction, procurement and professional services on projects funded by the Commission.

Projects currently being advertised must be withdrawn and re-advertised without State MBE requirements.

Projects advertised as a MBE set-aside which have not been awarded or for which a contract has not been executed must be withdrawn and re-advertised without State MBE requirements.

Projects advertised as a non set-aside which have not been awarded or for which a contract has not been executed must delete MBE sub-contracting and procurement requirements from pending contracts.

Projects for which contracts have been executed should be reviewed by your legal counsel.

Commission issued "Advisories"; II Affirmative Plan of Action, XV Minority Business Enterprise "Pass Through" Contracts, and reference to MBE requirements in others are withdrawn.

Released:

November 16, 1998

Status:

Immediate Attention

Distribution:

CEO's, PM's, District Committees, Liaisons

Carlatrion AUS Un-morrable

Ohio Public Works Commission Request to Proceed

Subdivision: _____ County: _____ OPWC Project# C _ _ _ _ Project Name:______Phone:_____ Date: ___/__/___ I. Flood Damage Reduction Standards (A Local Floodplain Permit or approval from ODNR must be issued for this project if it is in a 100 year floodplain) Is this project located within a 100 year floodplain? (If no, proceed to Section II) _____Yes Does this subdivision participate in the National Flood Insurance Program? _____Yes No If Yes, attach a copy of your Local Floodplain Permit. If No. attach a letter from Ohio Department of Natural Resources (ODNR) stating the requirements of the National Flood Insurance Program have been met. II. Water Supply Projects Attach a copy of your EPA plan approval letter IV. Request for Change III. Local Force Account Designation (Attach detailed cost estimate) (Aunch) Project Schedule Total Amount of Estimato(s) \$_____ ____Local Officials Subdivision Federal Tax 1D Other V. Contractor/Supplier Designation Contractor Supplier Consultant Name: Address: Estimated Start Date: ___/__/ Scope of Work: _______ Amount of this Contract \$_____ VI. Local Authorization Date:___/__/___ Authorized Signature OPWC USE ONLY Notice to Proceed Approved Disapproved

Request for Change

Approved

Approved

Authorized signature required

Disapproved

Change

Authorized signature required

Flood Damage Reduction Standards not metropolicy

Other Parameter Disapproved Date: /_/__Authorized Signature:

DISTRICT 2 ADMINISTRATIVE COSTS WORK PLAN

Hamilton County, the City of Cincinnati, the City of North College Hill, Delhi Township, and Green Township will be providing research, technical assistance, and administrative support to the OPWC District 2 Public Works Integrating Committee for the planning, analysis and implementation of the State Capital Improvement Program (SCIP) and the Local Transportation Improvement Program (LTIP) for the period beginning January 1, 1999 through December 31, 1999. Their work tasks for the District 2 Public Works Integrating Committee includes:

PROJECT SCOPE:

- * Develop a capital improvement planning process according to Section 164 of the Ohio Revised Code.
- * Assist district subdivisions in the development and implementation of infrastructure inventories and five-year capital improvement plans.
- * Develop a district project rating and selection methodology.
- * Serve as District Liaison between the State of Ohio and District 2 during the application review and approval period.
- * Assist in the development and implementation of a District Minority Business Enterprise and Affirmative Action Plan.
- * Function as secretariat to the full District 2 Committee.
- * Maintain District 2 database.
- * Prepare preliminary analysis, reports, and documents for project rating and selection.
- * Preparation of final infrastructure program application package for submission to the Ohio Public Works Commission.
- * Provide administrative and program management support to the District 2 Integrating Committee.
- * Provide subdivisions in the District with technical support regarding the rules and regulations of the SCIP, LTIP, and Small Government Programs.
- * Attend seminars, workshops, etc., as required to maintain a level of staff proficiency.

ADMINISTRATIVE COSTS - DISTRICT 2

BUDGET PROPOSAL

PERSONNEL

Direct Labor \$39,500.00

DIRECT MATERIAL AND SERVICES

Postage and Supplies \$ 100.00 Long Distance Phone Calls \$ 300.00

TRAVEL

Mileage \$ 100.00

TOTAL = \$40,000.00

The total amount of \$40,000.00 is to be allocated as follows:

Hamilton County	\$20,000.00
City of Cincinnati	\$14,000.00
City of North College Hill	\$ 1,000.00
Delhi Township	\$ 3,000.00
Green Township	\$ 2,000.00

SUMMARY OF ROUND 13 PROJECT FUNDING RECOMMENDATIONS

ASSUMPTIONS:

- -- Select projects to encumber 115% of Round 13 allocation
- -- Subtract Administrative Costs and Phase 2 of three Round 12 projects

	SCIP	LTIP
District Allocation for Round 13	\$8,134,000	\$4,307,000
115% of District Allocation	\$9,354,100	\$4,953,050
Minus Administrative Costs	(\$ 28,000)	(\$ 12,000)
Minus Phase 2 of Three Round 12 projects	(\$2,890,522)	(\$3,111,489)
Net amount available in Round 13	\$6,435,578	\$1,829,561

FINAL RANKING OF ROUND 13 PROJECTS FOLLOWING APPEALS -

JURISDICTION	PROJECT NAME	POINTS	FUNDING REQUESTED
Cincinnati	Paddock Road	69	\$ 2,000,000
Cincinnati	Hopple Street	69	\$ 830,000
County Eng.	Blue Rock Bridge	68	\$ 600,000
Cincinnati	Mehring Way	63	\$ 1,475,000
Lockland	Water Treatment Plant	63	\$ 2,200,000
County Eng.	Loveland-Madiera Road	63	\$ 1,600,000
Cincinnati	Lafayette Avenue	62	\$ 480,000
North College Hill	Ellen/Marilyn Avenues	60	\$ 446,760
Deer Park	Blue Ash Road	60	\$ 129,032

ROUND 13 PROJECT FUNDING PERTINENT INFORMATION

ASSUMPTIONS:

Net amount available in Round 13

- -- Select projects to encumber 115% of Round 13 allocation
- -- Subtract Administrative Costs and Phase 2 of three Round 12 projects -

Delhi Pike (County Engineer)

- \$1,873,989

Water Treatment Plant (Wyoming) -

\$2,890,522

Queen City Avenue (Cincinnati)

\$6,435,578

\$1,237,500

\$1,829,561

 District Allocation for Round 13
 \$8,134,000
 \$4,307,000

 115% of District Allocation
 \$9,354,100
 \$4,953,050

 Minus Administrative Costs
 (\$ 28,000)
 (\$ 12,000)

 Minus Phase 2 of Three Round 12 projects
 (\$2,890,522)
 (\$3,111,489)

<u>FINAL RANKING OF ROUND 13 PROJECTS FOLLOWING APPEALS -</u>

JURISDICTION	PROJECT NAME	POINTS	FUNDING REQUESTED
Cincinnati	Paddock Road	69	\$ 2,000,000
Cincinnati	Hopple Street	69	\$ 830,000
County Eng. Bl	ue Rock Bridge	68	\$ 600,000
Cincinnati	Mehring Way	63	\$ 1,475,000
Lockland	Water Treatment Plant	63	\$ 2,118,400
County Eng. Lo	oveland-Madeira Road	63	\$ 1,600,000

SUPPORT STAFF FUNDING RECOMMENDATION:

FROM SCIP

Cincinnati	Paddock Road	\$2,000,000
Cincinnati	Hopple Street	\$ 830,000
County Engineer	Blue Rock Road Bridge	\$ 600,000
Lockland	Water Treatment Plant	\$2,200,000

TOTAL SCIP ALLOCATED - \$5,630,000 Surplus SCIP Remaining - \$ 805,578

FROM LTIP

Cincinnati Mehring Way \$1,475,000

TOTAL LTIP ALLOCATED - \$1,475,000 Surplus LTIP Remaining - \$ 354,561

On Cline#16, a:\issue2\round13\RECOMND1.WP6 November 18, 1998

OPTIMUM FUNDING UTILIZATION

FROM SCIP

CincinnatiPaddock Road\$2,000,000CincinnatiHopple Street\$ 830,000

County Engineer Blue Rock Road Bridge \$ 600,000 Lockland Water Treatment Plant \$2,118,400

> TOTAL SCIP ALLOCATED - \$5,548,400 Surplus SCIP Remaining - \$ 887,178

FROM LTIP Cincinnati

Cincinnati Mehring Way \$1,475,000

TOTAL LTIP ALLOCATED - \$1,475,000 Surplus LTIP Remaining - \$ 354,561

DISTRICT 2 BALANCES

	SCIP	<u>LTIP</u>
DISTRICT ALLOCATION	\$8,134,000.00	\$4,307,000.00
ADDITIONAL FUNDS - GRANTS	\$0.00	\$0.00
ADDITIONAL FUNDS - LOANS	\$0.00	\$0.00
ADD FUNDS - LOAN ASSIST.	\$0.00	\$0.00
REVOLVING LOAN PROGRAM	\$0.00	\$0.00
ADMIN. COSTS PROGRAM	(\$28,000.00)	(\$12,000.00)
MORTGAGE FROM R 12	(\$2,890,522.00)	(\$3,111,489.00)
TOTAL	\$5,215,478.00	\$1,183,511.00
GRAND TOTAL	\$6,398,989.00	
PROPOSED	\$0.00	
DIFFERENCE	\$6,398,989.00	
AVAILABLE	\$5,215,478.00	\$1,183,511.00
PROPOSED	05.045.450.55	
DIFFERENCE	\$5,215,478.00	\$1,183,511.00

70th District #2 Integrating Committee Meeting County Commissioners' Conference Room County Administration Building Room 603 Cincinnati, OH 45202 December 11, 1998 – 8:00 a.m.

AGENDA

- 1.) Approval of previous meeting's minutes.
- 2.) Report on medical condition of District Liaison Joe Cottrill.
- 3.) Correspondence submitted to the Committee regarding Round 13 Project selection process. (Handouts provided).
- 4.) Letter from Village of Lockland requesting to speak to the Integrating Committee. (Handout provided).
- 5.) Support Staff Items:
 - A. Federal District Court decision regarding State of Ohio MBE and Set-Aside requirements, as it applies to OPWC-Funded Projects. (Handout provided).
 - B. Administrative Costs Program for 1999. (Vote required & handout provided).
 - C. District 2 Balances for SCIP, LTIP, and RLP.
 - D. Presentation of Final Round 13 Project List, subsequent to Resolution of Appeals, as rated by Support Staff.
 - E. Staff recommendation for funding Round 13 Projects from SCIP and from LTIP.
 - F. Chairman Brayshaw discussion of "Alternate Funding Proposal".
 - G. Committee votes on
 - i) Priority listing of Round 13 Projects 1 through 128.
 - ii) Projects selected for SCIP grant funding.
 - iii) Projects selected for SCIP loan funding, including rate and term.
 - iv) Projects selected for LTIP funding.
 - v) Approval of procedure and authorization for Support Staff to select ten projects for Small Governments Commission consideration.
- 6.) Small Governments Sub-Committee Report.
- 7.) Old Business
- 8.) New Business
- 9.) Next meeting date will be Friday, January 22, 1999. (If necessary)
- (10.) Adjournment

HAPPY HOLIDAYS!

70TH District #2 Integrating Committee Meeting Board of County Commissioners' Conference Room Room 603, County Administration Building Cincinnati, OH 45202

December 11, 1998

BOARD ATTENDANCE LIST

NAME	AFFILIATION	PHONE
All Molling	Her long	771-0900
Joe Dykes	A.C.TA.	941 3393
Richard MENDES	C187 9 CIN	352-2457
Peter Heik	C. B. & Cint	352-3337
Joseph Charlton		352-3218
Bill Brayshan Bill Sitz	Ham Co	
Bill Sitz	Gren Tup	357-9332
		<u> </u>

70TH District #2 Integrating Committee Meeting Board of County Commissioners' Conference Room Room 603, County Administration Building Cincinnati, OH 45202

December 11, 1998

VISITOR LIST

NAME	AFFILIATION	PHONE
ERIC BECK	SUPPORT STAFF	946-4253
DOUG RIDDIOUGH	· · · · · · · · · · · · · · · · · · ·	946-4277
FRED SCHLIMM	//	574-8832
Keith Pethit	fe 14	352-5286
John Knuf	11	521-74/3
Larry Brueshaber	Symnes - Loveland Business Group	791-9090
Paviette Leeper	City of Loveland	671-2631
Mike Gentry	Symmes Township	677-0252
Cathy Coldinon	<u>o Pwc</u>	414-752-8114
Dave Wagner	PORMER OFWL	891.6380
Joseph Charte	Public Works	352-3218
Joseph Chartha Steve May	Hamilton County	
TERRY S. Schildmeyer	Loveland AREA Chamber of	

70TH District #2 Integrating Committee Meeting Board of County Commissioners' Conference Room Room 603, County Administration Building Cincinnati, OH 45202

December 11, 1998

VISITOR LIST

<u>NAME</u>	AFFILIATION	PHONE
Del Betubbare	Ham. Co. Engineer's	246-4268
MEL MARTIN	Cong OF MADERA	
 TOM MOELLER	CITY MGR / MADEILA	561-7228
in Brown	Lockland, MAYOR	76/-1126
Evonne Kovach	Lockland, Village Ablan	nistoria, 761-1127
John Michel	Hamiton G. Public WORKS	946-4750
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